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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 DANNY ATTERBURY,

10 Petitioner,

No. CIV S-03-1809 GEB DAD P

11 vs.

12 DAVE GRAZINI, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner has filed a fifth request for the appointment of counsel. Following a
16 review of the court's file and petitioner's arguments, the court will deny the request for counsel.
17 See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996).

18 Petitioner also filed a motion in opposition to respondents' April 11, 2005 request
19 for an extension of time to file their response to petitioner's third amended petition. On April 15,
20 2005, the court granted respondents' request. In light of the court's order, petitioner's motion
21 will be denied as moot.

22 Accordingly, IT IS HEREBY ORDERED that:

23 1. Petitioner's April 15, 2005 request for appointment of counsel is denied; and

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2. Petitioner's motion in opposition to respondents' request for an extension of time to file their response to petitioner's third amended petition is denied as moot.

DATED: April 20, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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